

**UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA**

**Richard Katz**

Plaintiff

Case No.: **3:15-cv-01187**

v.

**NATIONAL BOARD OF MEDICAL EXAMINERS (NBME)**

3750 Market Street

Philadelphia, PA 19104

and

**FEDERATION OF STATE MEDICAL BOARDS (FSMB)**

400 Fuller Wiser Road, Suite 300

Euless, Texas 76039-3855

Defendants

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**MOTION FOR EXTENSION OF TIME  
FOR EXPERT REPORT SUPPLEMENTATIONS DEADLINE**

Pursuant to Rule 16 of the Federal Rules of Civil Procedure, and for reasons enumerated in the accompanying Memorandum of Law, plaintiff moves this Court to modify the January 29th, 2016 Scheduling Order to expand the time allotted for *Expert Reports*. On January 8<sup>th</sup> 2016 plaintiff submitted a **MOTION TO WAIVE COSTS OF DEPOSITION - FOR LAY AND EXPERT WITNESS FEES, AND COURT REPORTER FEES**. However, this motion has not been ruled on and is pending before the Court. Plaintiff proposes changing the following deadline:

Expert Report Supplementations deadline: Changed from April 1st, 2016 to a date commensurate to a period 30 days after the Courts ruling of plaintiff's MOTION TO WAIVE COSTS OF

DEPOSITION - FOR LAY AND EXPERT WITNESS FEES, AND COURT REPORTER FEES. This request will provide ample preparation time to plaintiff while the Court makes its determination of whether to render him assistance.

This extension would not prejudice defendants, however; instead it will help to ensure that this Court will have before it an appropriately complete factual record on which to decide the important issues in this case. A Memorandum of Law follows detailing the specific modifications requested and the arguments in support of this motion.

Respectfully submitted,

/s/ Richard Katz  
Richard Katz  
Pro se

### MEMORANDUM IN SUPPORT

1. On January 29, 2016, this Court entered a revised scheduling order that sets a number of deadlines, which includes: a March 15, 2016 discovery cut-off, a February 15, 2016 deadline for disclosure of plaintiffs' Expert Reports, a March 15, 2016 deadline for disclosure of defendants' Expert Reports, a April 1<sup>st</sup> 2016 Supplementations cutoff and an May 1<sup>st</sup> 2016 deadline for filing dispositive motions. (Document No. 85, January 29<sup>th</sup>, 2016 Revised Scheduling Order.)
2. Plaintiff seeks an amended scheduling order with the following change:

**Expert Report Supplementations deadline: Changed from April 1<sup>st</sup> 2016 to 30 days after the Court Rules on plaintiffs' MOTION TO WAIVE COSTS OF DEPOSITION - FOR LAY AND EXPERT WITNESS FEES, AND COURT REPORTER FEES.**

3. Pursuant to Rule 16(b)(4) of the Federal Rules of Civil Procedure, a scheduling order may be modified "for good cause and with the judge's consent." The Sixth Circuit has held that "[t]he primary measure of Rule 16's 'good cause' standard is the moving party's diligence in attempting to meet the case management order's requirements." Inge v. Rock Financial Corp., 281 F.3d 613, 625 (6th Cir. 2002) (internal citations omitted). Courts "should also consider possible prejudice to the party opposing the modification." Andretti v. Borla Performance Industries, Inc., 426 F.3d 824, 830 (6th Cir. 2005).
4. Good cause exists in this instance because a dependent motion submitted by plaintiff is pending on the court docket. This will provide plaintiff ample time to make arrangements while the Court determines whether to grant assistance to plaintiff.
5. **The following dependent motion is currently pending before the Court conflicting with the April 1<sup>st</sup> 2016 Supplementations deadline as stated in the January 29<sup>th</sup>, 2016 Order:**

**MOTION TO WAIVE COSTS OF, DEPOSITION - FOR LAY AND EXPERT WITNESS FEES, AND COURT REPORTER FEES Submitted 01/08/2016.**

6. Given the need for thorough fact development in this case, plaintiffs' diligence in completing discovery, and the absence of prejudice to the parties, good cause exists for a modification of Expert Reports Supplementations in the Court's revised scheduling order,

as a dependent motion is still pending on the Court docket. Therefore, Plaintiffs' motion to modify Expert Report Supplementations deadlines should be granted.

Respectfully submitted,

Date: March 22, 2016

/s/ Richard Katz

Richard Katz

Pro se

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Plaintiffs' Motion to Modify Preliminary Pretrial Order was filed electronically on March 22, 2016. Parties may access this document through that system.

Date: March 22, 2016

/s/ Richard Katz

Richard Katz

Pro se